

## MEMORANDUM

September 23, 2010

TO: Planning, Housing, and Economic Development Committee

FROM: Jeff Zyontz, <sup>LL</sup>Legislative Attorney

SUBJECT: Zoning Text Amendment 10-08, Agricultural Zones – Pet Daycare

Zoning Text Amendment (ZTA) 10-08, sponsored by Councilmember Knapp, was introduced on June 22, 2010. The ZTA would allow pet daycare in the Rural Density Transfer and Rural zones on tracts of land of at least 75 acres. Under the proposed provisions, the pets must be transported to the site by the pet daycare operator; all structures and facilities must be located at least 500 feet from any neighboring homes.

The Council held a public hearing on September 21, 2010. The Planning Board Staff recommended disapproving ZTA 10-08. In Planning staff's opinion, the use was within the definition of animal boarding, which requires a special exception; allowing the use as of right would not afford the neighbors the opportunity for an individual assessment for each proposal. The Planning Board (3-0) also recommended against the adoption of ZTA 10-08 for the reason asserted by Planning Staff. The Planning Board did not see the need to create a subset of "animal boarding" for the purpose of allowing pet daycare.

The Sugarloaf Citizens Association and the League of Woman Voters recommend against the adoption of ZTA 10-08. In their opinion, pet daycare would be a non-agricultural use in an agricultural zone. Sue Carter, whose client is seeking to move an ongoing doggy daycare business from Frederick County, testified in favor of adopting ZTA 10-08.

### Background

The RDT zone has a unique purpose:

The intent of this zone is to promote agriculture as the primary land use in sections of the County designated for agricultural preservation in the General Plan and the Functional Master Plan for Preservation of Agriculture and Rural Open Space. This is to be accomplished by providing large areas of generally contiguous properties suitable for agricultural and related uses and permitting the transfer of development rights from properties in this zone to properties in designated receiving areas.

Agriculture is the preferred use in the Rural Density Transfer zone. All agricultural operations are permitted at any time, including the operation of farm machinery. No agricultural use can be subject to restriction on the grounds that it interferes with other uses permitted in the zone, but uses that are not exclusively agricultural in nature are subject to the regulations prescribed in this division 59-C-9 and in division 59-G-2, "Special Exceptions-Standards and Requirements."<sup>1</sup>

The Zoning Ordinance has defined agriculture and animal boarding as follows:

**Agriculture:** The business, science and art of cultivating and managing the soil, composting, growing, harvesting, and selling crops and livestock, and the products of forestry, horticulture and hydroponics; breeding, raising, or managing livestock, including horses, poultry, fish, game, and fur-bearing animals, dairying, beekeeping and similar activities, and equestrian events and activities. Agriculture includes processing on the farm of an agricultural product in the course of preparing the product for market and may or may not cause a change in the natural form or state of the product.<sup>2</sup>

**Animal Boarding:** Any buildings or land, other than a veterinary hospital, used, designated or arranged for the boarding, breeding or care of dogs, cats, pets, fowl or other domestic animals for profit, not including those animals raised for agricultural purposes.

Animal boarding, by definition, is an activity that is not an agricultural activity. It is a special exception use in the RDT and Rural zones. The conditions for approval include a minimum lot size equal to the minimum lot size of the zone, a minimum setback of 200 feet from the property line for the fenced area or structures, and acoustic limits.<sup>3</sup>

As introduced, ZTA 10-08 would not limit the number of animals, the size of structures for pet boarding, or hours of operation.

## Issues

*Should pet daycare be an allowable use in the RDT and rural zones?*

Pet care is a subset of animal boarding. Although it is not within the definition of agriculture, it would not foreclose the opportunity for agricultural uses on the site. The use results in keeping land substantially undeveloped.

Even though animal boarding is not, strictly speaking, an agricultural use, the Council determined that it is compatible with the purpose and other use in agricultural zones. The fact that the use is allowed only by the approval of a special exception does not change its character from non-agricultural to agricultural. The use is still currently allowed, even if easements for transferable development rights were recorded on the property.<sup>4</sup> *If the Council wants a more purely agricultural zone, it should prohibit animal boarding in the RDT and disapprove ZTA 10-08.*

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<sup>1</sup> §59-C-9.23.

<sup>2</sup> §59-A-2.1.

<sup>3</sup> §59-G-2.02.

<sup>4</sup> ZTA 07-07, adopted in 2007, prohibited many uses in the RDT if the land was subject to transferable development rights easements. Animal boarding places were not restricted by that ZTA. The Council could similarly restrict the pet daycare use if it wanted to restrict where pet daycare could take place.

The Council's previous determination that animal boarding is consistent with the purpose of the RDT zone would also make pet daycare consistent with the purpose and uses in the RDT zone. **Based on Council's prior action, Staff recommends allowing pet daycare as a use in the RDT zone.**

*Should pet daycare be permitted as of right under more onerous standards?*

Pet daycare is clearly a subset of animal boarding. It is logical that a more limited use would be allowed as of right on a larger land area with larger setbacks.

Instead of the protections inherent in the special protection process, ZTA 10-08 would require:

- 1) a site 3 times larger (75 acres compared to 25 acres)
- 2) a setback 2.5 times larger (500 feet compared to 200 feet)
- 3) no overnight boarding
- 4) no vehicles coming to the site, other than the pet daycare provider's vehicle (instead of providing at least 3 parking spaces on site)

The only protection in the specific special exception condition not afforded neighbors would be acoustic limits; however, the increased lot size and setbacks should eliminate noise as a problem.<sup>5</sup>

ZTA 10-08 is in line with an idea proposed for the Zoning Ordinance Re-write. There are 3 use classifications in the current zoning ordinance: 1) uses permitted as of right subject to the zone's development standards; 2) uses permitted if additional development standards are satisfied; and 3) uses that require an individualized finding of compatibility through the special exception process. Those distinctions should be clear. ZTA 10-08 would take a subset of a use allowed by special exception and allow the more limited use under specified standards in a manner consistent with the distinction between permitted, conditional, and special exception uses.

**Staff recommends allowing pet daycare as a permitted use under additional development standards.**

*Should there be additional limits on the number of pets allowed and the size of structures allowed?*

This issue was raised in the course of the Council's public hearing. The activity on a pet daycare site can be easily limited to prevent interference with the uses on neighboring property. Without a special exception process, additional standards are appropriate. **Staff recommends allowing a maximum of 1 daycare pet per acre and maximum building coverage of 1% of the land area for pet daycare uses.**

<u>This Packet Contains</u>	<u>© number</u>
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Letter from League of Women Voters	10 – 11
Letter from Sugarloaf Citizens Association	12 – 13

<sup>5</sup>Not only does distance makes the heart grow fonder, distance takes the bite out of a bark.

Zoning Text Amendment No.: 10-08  
Concerning: Agricultural Zones –  
Pet Daycare  
Draft No. & Date: 2 - 6/17/10  
Introduced: June 22, 2010  
Public Hearing:  
Adopted:  
Effective:  
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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By: Councilmember Knapp

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- define pet daycare;
- allow pet daycare in certain agricultural zones; and
- generally amend the provisions for pet care in agricultural zones

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-A-2

Section 59-A-2.1

DIVISION 59-C-9. “AGRICULTURAL ZONES”

Section 59-C-9.3 “Land uses”

**EXPLANATION:** ***Boldface** indicates a Heading or a defined term.*  
*Underlining indicates text that is added to existing law by the original text amendment.*  
*[Single boldface brackets] indicate that text is deleted from existing law by original text amendment.*  
*Double underlining indicates text that is added to the text amendment by amendment.*  
*[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.*  
*\* \* \* indicates existing law unaffected by the text amendment.*

**ORDINANCE**

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

1 **Sec. 1. DIVISION 59-A-2 is amended as follows:**

2

3 **DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.**

4

5 **59-A-2.1 Definitions.**

6 \* \* \*

7 Daycare for pets. Activities, fenced areas, and structures for the care,

8 feeding, exercising, and training of pets other than overnight boarding.

9 \* \* \*

10 **Sec. 2. DIVISION 59-C-9 is amended as follows:**

11 **Division 59-C-9 AGRICULTURAL ZONES.**

12 \* \* \*

13 **59-C-9.3 Land uses.**

14 No use is allowed except as indicated in the following table:

15 **-Permitted Uses.** Uses designated by the letter "P" are permitted on any lot  
16 in the zones indicated, subject to all applicable regulations.

17 **-Special Exception Uses.** Uses designated by the letters "SE" may be  
18 authorized as special exceptions under Article 59-G.

	Rural	RC	LDRC	RDT	RS	RNC	RNC/TDR
* * *							
(h) Services: <sup>2</sup>							
* * *							
Day care facility for more than 4 senior adults and persons with disabilities.	SE	SE	SE	SE <sup>48</sup>	SE	SE	SE

Day care facility for not more than 4 senior adults and persons with disabilities. <sup>14</sup>	P	P	P	P <sup>48</sup>	P	P	P
<u>Daycare for pets</u>	<u>P*</u>			<u>P*</u>			
Domiciliary care home for more than 16 residents. <sup>35</sup>	SE	SE	SE	SE <sup>48</sup>	SE	SE	SE
Educational institution, private.	SE	SE	SE	SE <sup>13, 48</sup>	SE	SE	SE

19 \*     The tract of land must be at least 75 acres. Pets must be transported to and  
20 from the site by the pet daycare provider. All facilities and structures must be at  
21 least 500 feet from any neighboring residential building.

22 \*     \*     \*

23         **Sec. 3. Effective date.** This ordinance takes effect immediately upon the  
24 date of Council adoption.

25

26 This is a correct copy of Council action.

27

28 \_\_\_\_\_

29 Linda M. Lauer, Clerk of the Council



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIRMAN

**MONTGOMERY COUNTY PLANNING BOARD**

The Maryland-National Capital Park and Planning Commission

September 20, 2010

**TO:** The County Council for Montgomery County, Maryland, sitting as the District Council for the Maryland-Washington Regional District in Montgomery County, Maryland

**FROM:** Montgomery County Planning Board

**SUBJECT:** Zoning Text Amendment No. 10-08

**BOARD RECOMMENDATION**

The Montgomery County Planning Board of The Maryland–National Capital Park and Planning Commission reviewed Zoning Text Amendment No. 10-08 at its regular meeting on September 16, 2010. After careful review of the material of record, the Board believes that there is no apparent rational basis for permitting a pet daycare use by right in the Rural and RDT zones. Therefore, the Board unanimously (voting 3:0) recommends denial of the text amendment for the reasons outlined in the attached technical staff report.

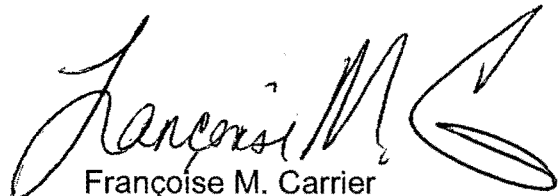
After examination of existing uses in the Zoning Ordinance, technical staff and the Planning Board determined that the proposed daycare for pets falls into the land use category “animal boarding place.” Currently, an animal boarding place is allowed in the Rural and RDT Zones (and 22 other zones) only through approval of a special exception application by the Board of Appeals. ZTA 10-08 would allow a pet daycare use by right in the Rural and RDT zones on tracts of land of at least 75 acres. A proposed footnote further limits the scope of the use by requiring pets to be transported to and from the site by the pet daycare provider and by requiring all facilities and structures associated with the use to be located at least 500 feet from any neighboring residential building.

Board of Appeals and public input in the facility design and layout process and in the regulation of hours of operation has been paramount, particularly when an animal

boarding place is proposed in the vicinity of residential property. The public input process may also assist in regulating the number of animals that may be boarded, exercised, walked, or kept in runs or similar areas, and the manner in which animals are boarded, exercised, walked, or typically kept. Under the ZTA, the potential physical, environment, and operational impacts associated with pet daycare uses and their relationship to the neighboring residential communities would go unexamined from a site by site standpoint. The special exception process serves to ensure that animal boarding facilities will not be detrimental to surrounding properties and the general public. The Board does not support establishing different standards for certain animal boarding operations located in the Rural and RDT zones even if they are located on larger tracts of 75 acres or more, as specified in the ZTA.

### **CERTIFICATION**

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the position taken by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, at the Board's regular meeting held in Silver Spring, Maryland, on Thursday, September 16, 2010.



Françoise M. Carrier  
Chair

FC:GR





**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB**  
**Item #6**  
**9/16/10**

**DATE:** September 8, 2010  
**TO:** Montgomery County Planning Board  
**VIA:** Rose Krasnow, Chief, Development Review *RK*  
**FROM:** Greg Russ, Zoning Coordinator *GR*  
**REVIEW TYPE:** Zoning Text Amendment  
**PURPOSE:** To define pet daycare and allow pet daycare in certain agricultural zones and under certain conditions

**TEXT AMENDMENT:** No. 10-08  
**REVIEW BASIS:** Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance  
**INTRODUCED BY:** Councilmember Knapp  
**INTRODUCED DATE:** June 22, 2010  
**PLANNING BOARD REVIEW:** September 16, 2010  
**PUBLIC HEARING:** September 21, 2010; 1:30 pm

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**STAFF RECOMMENDATION:** Denial. There is no apparent rational basis for permitting a pet daycare use by right in the Rural and RDT zones. The proposed new use "daycare for pets" would appear to fall into the land use category "animal boarding place". Animal boarding in the Rural and RDT zones is permitted only after approval of a special exception by the Board of Appeals. The special exception process serves to ensure that animal boarding operations will not be detrimental to surrounding properties and the general public. Staff does not support establishing different standards for certain animal boarding operations located in the Rural and RDT zones even if they are located on larger tracts of 75 acres or more, as specified herein.

**BACKGROUND/ ANALYSIS**

ZTA 10-08 proposes to establish a new land use titled "daycare for pets". The use is defined as *activities, fenced areas, and structures for the care, feeding, exercising, and training of pets other than overnight boarding*. As proposed, the use would be permitted by right in the Rural and RDT zones and limited to tracts of land of at least 75 acres. A proposed footnote further limits the scope of the use by requiring pets to be transported to and from the site by the pet daycare provider and by requiring all facilities and structures associated with the use to be located at least 500 feet from any neighboring residential building.

The text amendment as proposed is as follows:

**Division 59-C-9 AGRICULTURAL ZONES.**

\* \* \*

**59-C-9.3 Land uses.**

No use is allowed except as indicated in the following table:

**-Permitted Uses.** Uses designated by the letter "P" are permitted on any lot in the zones indicated, subject to all applicable regulations.

**-Special Exception Uses.** Uses designated by the letters "SE" may be authorized as special exceptions under Article 59-G.

	Rural	RC	LDRC	RDT	RS	RNC	RNC/TDR
* * *							
(h) Services: <sup>2</sup>							
* * *							
Day care facility for more than 4 senior adults and persons with disabilities.	SE	SE	SE	SE <sup>48</sup>	SE	SE	SE
Day care facility for not more than 4 senior adults and persons with disabilities. <sup>14</sup>	P	P	P	P <sup>48</sup>	P	P	P
<u>Daycare for pets</u>	<u>P*</u>			<u>P*</u>			
Domiciliary care home for more than 16 residents. <sup>35</sup>	SE	SE	SE	SE <sup>48</sup>	SE	SE	SE
Educational institution, private.	SE	SE	SE	SE <sup>13, 48</sup>	SE	SE	SE

\* The tract of land must be at least 75 acres. Pets must be transported to and from the site by the pet daycare provider. All facilities and structures must be at least 500 feet from any neighboring residential building.

After examination of existing uses in the Zoning Ordinance, staff has determined that the proposed daycare for pets falls into the land use category for an animal boarding place. The Zoning Ordinance defines animal boarding place as follows:

***Animal boarding place:** Any buildings or land, other than a veterinary hospital, used, designated or arranged for the boarding, breeding or care of dogs, cats, pets, fowl or other domestic animals for profit, not including those animals raised for agricultural purposes.*

Currently, an animal boarding place is allowed in the Rural and RDT Zones (and 22 other zones) only through approval of a special exception application by the Board of Appeals. The only exceptions are in the C-3, I-1 and I-4 Zones where an animal boarding place is permitted by right if located in a soundproof building.

Under the ZTA, the potential physical, environmental, and operational impacts associated with an animal boarding place and its relationship to the neighboring residential communities would go unexamined. The ZTA proposes to address potential impacts of a pet daycare by allowing the use only on relatively large sites, establishing a 500-foot minimum setback of structures from adjacent residential buildings and permitting only the pet daycare provider to transport animals to a pet daycare site. However, without an analysis on a site by site basis, there is no way to assess the adequacy of the proposed mitigating measures. Below staff explores this question through a discussion of the special exception process and how it compares to by-right development.

### **Special Exception Provisions**

#### *Inherent/Non-inherent Effects*

The standard of evaluation for a special exception requires consideration of the inherent and non-inherent adverse effects on nearby properties and on the general neighborhood where the use is proposed. Inherent adverse effects are the harmful effects caused by the physical and operational characteristics necessarily associated with the particular use irrespective of the size or scale of operations. Non-inherent adverse effects are any harmful effects caused by physical and operational characteristics not necessarily inherently associated with the particular special exception use, or adverse effects created by unusual characteristics of the site.

Any analysis of inherent and non-inherent adverse effects must first establish what physical and operational characteristics are necessarily associated with a particular special exception use. As established by previous animal boarding place cases, the inherent, generic physical and operational characteristics necessarily associated with an animal boarding place include: (1) vehicular trips to and from the site; (2) noise and odor of animals; (3) deliveries of mail and small parcels; and (4) drop-off and pick-up of dogs in parking areas.

Any adverse effects of a proposed animal boarding place that result from the above four characteristics are considered inherent adverse effects. Alone, inherent adverse effects are not sufficient to constitute a denial. On the other hand, adverse effects that are not characteristic of an animal boarding place use, or inherent effects that are proliferated due

to distinctive site characteristics, are considered non-inherent adverse effects, which may be sufficient to result in the denial of the special exception application.

**As a permitted use, an animal boarding place would not be subject to an analysis of the inherent/non-inherent adverse impacts of the use on a particular site.**

*General Conditions of Approval for Special Exceptions/Specific SE Standards and Requirements*

An applicant for a special exception must demonstrate that the general and specific standards are satisfied. These standards include: minimum setback requirements; maintaining harmony with the general character of the adjacent neighborhoods through consideration of design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions; and establishing lighting and noise abatement measurements.

**In cases where an animal boarding place becomes a by-right use, there is no authority designated to help mitigate impacts concerning building/structure location and overall site design. Further, public input in the facility design and layout process and in the regulation of hours of operation has been paramount, particularly when an animal boarding place is proposed in the vicinity of residential property. The public input process may also assist in regulating the number of animals that may be boarded, exercised, walked, or kept in runs or similar areas, and the manner in which animals are boarded, exercised, walked, or typically kept.**

## **RECOMMENDATION**

Based on the analysis above, Staff recommends denial of the proposed text amendment that would define pet daycare and allow pet daycare by-right in certain agricultural zones and under certain conditions. Instead, any use of this type should be permitted only after approval of a special exception by the Board of Appeals.

Attachment 1 depicts the text amendment as introduced.

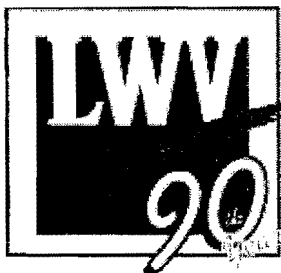
GR

### **Attachments**

1. Zoning Text Amendment 10-08
2. Excerpt of Special Exception General Conditions & Specific Standards and requirements for Animal boarding places

NAN  
CC  
JZ**Guthrie, Lynn**

**From:** LWV of Montgomery County, MD [lwvmc@erols.com]  
**Sent:** Monday, September 20, 2010 11:39 AM  
**To:** Montgomery County Council  
**Cc:** Berliner's Office, Councilmember; Knapp's Office, Councilmember; Andrew's Office, Councilmember; Ervin's Office, Councilmember; Floreen's Office, Councilmember; Leventhal's Office, Councilmember; Elrich's Office, Councilmember; Trachtenberg's Office, Councilmember; Navarro's Office, Councilmember  
**Subject:** Testimony Opposing ZTA 10-08



058742

20 SEP 20 PM 1:42

MONTGOMERY COUNTY  
COUNCIL

To the Montgomery County Council:

As you know, the League of Women Voters of Montgomery County has long had an interest in the preservation of the Agricultural Reserve.

We oppose the application of ZTA 10-08 to the Agricultural Reserve on several grounds. The definition "Activities, fenced areas, and structures for the care, feeding, exercising, and training of pets other than overnight boarding" is so broad that it could include almost any type of structure, a large pond or some sort of trapeze. There is no definition of what constitutes a pet and there is no indication as to the number of pets of various types that could be accommodated. Such vagueness does not constitute good legislation.

The intent of the RDT zone is to promote agriculture as the primary land use and agriculture is the preferred use in this zone. Day care for pets cannot be considered an agricultural use and the expansion of non-agricultural uses in the zone is not consistent with the master plan. We believe that there are already too many non-agricultural uses in the Agricultural Reserve and such activities should be restricted rather than expanded.

Elaine Apter, Co-President

The League of Women Voters of Montgomery County, MD, Inc.  
12216 Parklawn Dr., Suite 101  
Rockville, MD 20852-1710  
Tel: 301-984-9585 Fax: 301-984-9586  
lwvmc@erols.com <http://mont.lwvmd.org>

**90 Years of Making Democracy Work  
and Still Going Strong!**



THE LEAGUE OF WOMEN VOTERS  
*of Montgomery County, MD, Inc.*

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**Testimony Opposing ZTA 10-08  
Montgomery County Council  
September 21, 2010**

I am Elaine Apter, Co-President of the League of Women Voters of Montgomery County. As you know, the League has long had an interest in the preservation of the Agricultural Reserve.

We oppose the application of ZTA 10-08 to the Agricultural Reserve on several grounds. The definition "Activities, fenced areas, and structures for the care, feeding, exercising, and training of pets other than overnight boarding" is so broad that it could include almost any type of structure, a large pond or some sort of trapeze. There is no definition of what constitutes a pet and there is no indication as to the number of pets of various types that could be accommodated. Such vagueness does not constitute good legislation.

The intent of the RDT zone is to promote agriculture as the primary land use and agriculture is the preferred use in this zone. Day care for pets cannot be considered an agricultural use and the expansion of non-agricultural uses in the zone is not consistent with the master plan. We believe that there are already too many non-agricultural uses in the Agricultural Reserve and such activities should be restricted rather than expanded.

J2  
C

Guthrie, Lynn

**From:** Floreen's Office, Councilmember  
**Sent:** Monday, September 20, 2010 10:09 AM  
**To:** Montgomery County Council  
**Subject:** FW: SCA opposes ZTA 10-08

058741

SEP 20 PM 4:44

MONTGOMERY COUNTY  
COUNCIL

-----Original Message-----

**From:** annets1@aol.com [mailto:annets1@aol.com]  
**Sent:** Sunday, September 19, 2010 9:50 AM  
**To:** Floreen's Office, Councilmember  
**Subject:** SCA opposes ZTA 10-08

Dear Council Chair Floreen,

Sugarloaf Citizens Association **supports** the Park and Planning **denial** of the ZTA 10-08 to allow Pet Day Care in the Agriculture Reserve. Any such boarding/day care camps should go through the Special Exception Permit Process. Pet boarding is allowed in the RDT zone by Special Exception Permit.

Sugarloaf Citizens Association is opposed to the ZTA, No. 10-08, permitting Pet Day Care in the Agricultural Zone, not only because it has nothing to do with the production of food and fiber (the primary purpose of the Agriculture Reserve), but also because this is another example of spot zoning where the needs of one person or company are being considered rather than the master plan of the Agriculture Reserve.

Spot zoning is not logical, it is not fair, and it is not good public policy. We find this ZTA objectionable as a sole-beneficiary legislation and as a dangerous precedent. As happened in the case of the ZTA for golf courses, it would open the door for others to pursue this non-agricultural business in the Ag Reserve. How will the county defend its position when someone wants to do this type of business on 25 acres? The Special Exception process monitors for the concerns we have for noise and waste management. The ZTA does not.

As the Gazette article reported on June 30, 2010, this ZTA is for the benefit of Tiffany Reynolds who operates a thriving boarding center for dogs in Frederick County. She wants to bus her canine boarders into Montgomery County for the day and back to Frederick County in the evening. S.C.A. is at a loss to find any positive thing that will come from this ZTA. Will Montgomery County even benefit from a commercial tax on this business? If the business originates in Frederick County, how will the taxes work? How will the division between the commercial property pet day care tax and the agriculture property tax be addressed? Will all the revenue taken in on the commercial pet care business go to Frederick County?

As stated, we totally oppose this ZTA. If it is passed, however, the following issues should be addressed in any final version.

1. Existing agricultural use. Any pet day care permitted under an approved ZTA should have to be considered as an adjunct operation to existing farming operations of at least 75 acres or more. The size and location of any new building facilities should be in keeping with the agricultural area.
2. Runoff/Waste Management. Any pet day care permitted under an approved ZTA should be required to follow a waste management plan to consider issues of increase in impervious surfaces

(12)

9/20/2010

and increased waste run off into the watershed. The latest research says that pet owners should pick up their pet's waste and dispose of it in the trash; this is better for the watershed. What plan will be in effect when you are talking about a mass group of pets?

3. Canine population density. A study should be made of how many pets can be housed on the acreage in question. There is no mention of number of pets in the ZTA. The newspaper article stated twenty or thirty. We think a ceiling number should be chosen on some kind of scientific basis--not the success of the individual business is question.
4. Noise pollution. Noise levels should be addressed. The sound of a mass group of barking dogs can be very invasive to neighboring residences. If the pet population is in constant flux (new dogs arriving and established dogs leaving) the barking will always be an issue as the animals sort out the dominance issue. Even dogs separated by a fence will continually bark at each other.
5. Light pollution. Night light pollution should be controlled and full cut-off lighting be required in any approved ZTA.
6. Traffic. The specification of the ZTA (lines 19-21) call for pets being transported to and from by the daycare provider. How could/would this be enforced? SCA feels there's a high likelihood that this provision would morph into owners driving their pets to the facility and creating an increase in traffic. Any approved ZTA should be specific about transportation requirements and limitations.
7. Distance from existing residences. Any approved ZTA should require a distance of 1,000 feet from any neighboring residential building. 500 feet as specified in the proposed ZTA is very little distance when it comes to the sound of barking dogs and the lights from a facility, especially if the grounds of that facility are lit. Within the requirement of 75 acres, establishing 1000 feet distance from existing residential buildings should not be a problem.
8. Hours of operation. The ZTA states that there will be no overnight boarding. However, no operating hours are specified. Since day light hours seasonally change the hours of day boarding should be limited to a 9-hour period of operation.

Thank you for your time in considering our concerns.

Sincerely,

Anne Sturm, President  
 Sugarloaf Citizens Association  
 P.O. Box 218  
 Dickerson, Md. 20842